

AMENDED IN ASSEMBLY MAY 19, 1998
AMENDED IN ASSEMBLY APRIL 28, 1998
AMENDED IN ASSEMBLY APRIL 1, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 2572

Introduced by Assembly Member Firestone

February 23, 1998

An act to amend, repeal, and add Section 1760.6 of the Welfare and Institutions Code, relating to Youth Authority facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 2572, as amended, Firestone. Youth Authority facilities: major capital outlay projects: ward labor.

Existing law permits the director of the Department of the Youth Authority to require wards to provide labor to construct, renovate, or maintain facilities of the Youth Authority, so long as, among other things, the cost of the project does not exceed \$200,000.

This bill would increase the project cost limit in this provision to the amount specified in a designated provision of the Public Contract Code, and would authorize utilization of ward labor on projects costing in excess of that amount, *not to exceed \$1,000,000*, when determined by the State Board of Public Works to be in the best interests of the state *and necessary for the protection of public health and safety*.

The bill would also require the department to monitor and evaluate the impact of ~~this section~~ *the above described added provision* upon public contract awards including, but not limited to, the impact upon small businesses, and minority, women, and disabled veteran business enterprises, as defined, and to submit its findings to the Legislature in a written report by January 1, 2002. The provisions added by the bill would be repealed as of January 1, 2002, unless a later enacted statute deletes or extends that date.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1760.6 of the Welfare and
2 Institutions Code is amended to read:
3 1760.6. (a) The director may require wards of the
4 Youth Authority to perform work necessary and proper
5 to construct, renovate, or maintain facilities of the Youth
6 Authority. For purposes of this section, and
7 notwithstanding Section 10108 of the Public Contract
8 Code, the department may construct, renovate, or
9 maintain facilities of the Youth Authority with hired or
10 staff labor forces, so long as wards of the Youth Authority
11 are utilized as a majority of the labor force and so long as
12 the estimated cost of the project, if contracted, does not
13 exceed the project limit established by Section 10108 of
14 the Public Contract Code, provided that projects shall not
15 be divided for the purpose of keeping within the project
16 limitation. The department may provide for the payment
17 of wages to wards of the Youth Authority for work
18 performed pursuant to this section, the sums earned to be
19 paid in reparation, or to the parents or dependents of the
20 ward, or to the ward, in any manner and in any
21 proportions as the department directs.
22 (b) For minor capital outlay and maintenance projects
23 that, pursuant to subdivision (a), the department has
24 elected to accomplish with ward labor, if the department
25 has not completed the project within the year of
26 appropriation, then the amount of the unencumbered



1 balance of the project shall be determined in accordance
2 with Section 14959 of the Government Code, under
3 which an estimate of the amount necessary for the
4 completion of the project, including purchase of
5 materials, hiring of labor and wards, equipment rental,
6 supervision, and any other items, shall be deemed a valid
7 encumbrance and shall be included with any other valid
8 encumbrances in determining the amount of the
9 unencumbered balance.

10 (c) For the purposes of this section, at least 90 percent
11 of any nonward day labor utilized by the department in
12 conjunction with ward labor shall be performed by
13 individuals who are represented by a duly authorized
14 employee representative unless individuals with that
15 qualification are not reasonably available.

16 (d) Notwithstanding subdivision (a) or any other
17 provision of law, the State Public Works Board may
18 authorize the department to utilize wards of the Youth
19 Authority to provide labor on projects relating to facilities
20 of the Youth Authority, when the estimated cost of the
21 project is in excess of the project limit established by
22 Section 10108 of the Public Contract Code, ~~if that~~ *but not*
23 *exceeding one million dollars (\$1,000,000), only in cases*
24 *where* utilization of ward labor is determined by the
25 board to be in the best interests of the state *and necessary*
26 *for the protection of public health and safety.*

27 (e) The department shall monitor and evaluate the
28 impact of ~~this section~~ *subdivision (d)* on public contract
29 work awards, including, but not limited to, the impact
30 upon awards to small businesses, minority business
31 enterprises as defined in subdivision (e), and women
32 business enterprises as defined in subdivision (f), of
33 Section 10115.1 of the Public Contract Code. The
34 department shall also monitor and evaluate the impact of
35 this section upon awards to disabled veteran business
36 enterprises as defined in subdivision (g) of Section 999 of
37 the Military and Veterans Code. The department shall
38 submit its findings in a written report to the Legislature
39 by January 1, 2002.

1 (f) This section shall remain in effect only until
2 January 1, 2002, and as of that date is repealed, unless a
3 later enacted statute, that is enacted before January 1,
4 2002, deletes or extends that date.

5 SEC. 2. Section 1760.6 is added to the Welfare and
6 Institutions Code, to read:

7 1760.6. (a) The director may require wards of the
8 Youth Authority to perform work necessary and proper
9 to construct, renovate, or maintain facilities of the Youth
10 Authority. For purposes of this section, and
11 notwithstanding Section 10108 of the Public Contract
12 Code, the department may construct, renovate, or
13 maintain facilities of the Youth Authority with hired or
14 staff labor forces, so long as wards of the Youth Authority
15 are utilized as a majority of the labor force and so long as
16 the estimated cost of the project, if contracted, does not
17 exceed two hundred thousand dollars (\$200,000);
18 provided, that projects shall not be divided for the
19 purpose of keeping within the two hundred thousand
20 dollar (\$200,000) project limitation. The department may
21 provide for the payment of wages to wards of the Youth
22 Authority for work performed pursuant to this section,
23 the sums earned to be paid in reparation, or to the parents
24 or dependents of the ward, or to the ward, in any manner
25 and in any proportions as the department directs.

26 (b) For minor capital outlay and maintenance projects
27 which, pursuant to this section, the department has
28 elected to accomplish with ward labor, if the department
29 has not completed the project within the year of
30 appropriation, then the amount of the unencumbered
31 balance of the project shall be determined in accordance
32 with Section 14959 of the Government Code, under
33 which an estimate of the amount necessary for the
34 completion of the project, including purchase of
35 materials, hiring of labor and wards, equipment rental,
36 supervision, and any other items, shall be deemed a valid
37 encumbrance and shall be included with any other valid
38 encumbrances in determining the amount of the
39 unencumbered balance.



1 (c) For the purposes of this section, at least 90 percent
2 of any nonward day labor utilized by the department in
3 conjunction with ward labor shall be performed by
4 individuals who are represented by a duly authorized
5 employee representative unless individuals with that
6 qualification are not reasonably available.

7 (d) This section shall become operative on January 1,
8 2002.

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